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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,708	03/06/2002	Hansen Yuan	2153 CIP DIV	7922

530 7590 10/29/2007
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

PRIDDY, MICHAEL B

ART UNIT	PAPER NUMBER
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3733

MAIL DATE	DELIVERY MODE
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10/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary	Application No.	Applicant(s)	
	10/091,708	YUAN ET AL.	
	Examiner	Art Unit	
	Michael B. Priddy	3733	

All participants (applicant, applicant's representative, PTO personnel):

(1) Michael B. Priddy. (3) _____

(2) Mr. Kevin Kocun. (4) _____

Date of Interview: 23 October 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____

Claim(s) discussed: 71 and 81.

Identification of prior art discussed: U.S. 6,110,172 to Jackson and U.S. 5,360,431 to Puno et al.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

EDUARDO C. ROBERT
SUPERVISOR/PATENT EXAMINER

Michael B. Priddy
Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Kocun contacted the Examiner to discuss the Non-Final Rejection mailed 08/22/2007. Specifically Mr. Kocun pointed out that the rejection of claim 81 under 35 U.S.C. 102(e) in view of Jackson is improper because Jackson fails to teach a locking cap including a first portion and a second portion, the first portion of the locking cap having opposed arcuate engagement flanges receiveable in the arcuate engagement slots of the head portion, the second portion of the locking cap having an elongated recess engageable with the exterior surface of the spinal rod, the first and second portions of the locking cap being mechanically joined for rotation relative to one another, wherein the first portion of the locking cap is located above the second portion of the locking cap as the locking cap moves from an unlocked position to a locked position. The Examiner agreed that Jackson does not teach these limitations.

Regarding claim 71, rejected under 35 U.S.C. 103(a) over Jackson in view of Puno et al., Mr. Kocun pointed that Jackson and Puno et al. taken alone or in combination do not teach a locking cap including an upper portion engageable with an interior surface of the head portion and a lower portion having an elongated recess for engaging an exterior surface of a spinal rod received by the channel to secure the position of the head portion relative to the spinal rod upon rotation of the upper portion relative to the lower portion about the central axis of the head portion, wherein the upper portion and the lower portion of the locking cap are coupled together by an axial post that facilitates relative rotational movement of the upper portion relative to the lower portion. The Examiner agreed that Jackson and Puno et al. taken alone or in combination do not teach these limitations.